

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**JOHN BAXLEY, JR., *et al.*,**

**Plaintiffs,**

**v.**

**Civil Action No. 3:18-cv-01526  
(Chambers, J.)**

**BETSY JIVIDEN, *et al.*,**

**Defendants.**

**DECLARATION OF LINDA COOL**

I, Linda Cool, hereby declare as follows:

1. I have been incarcerated since August 2, 2021, at Central Regional Jail. I am a pretrial detainee. I have not yet met with a lawyer and have not been convicted of any crime.
2. I, together with the eight other women in my section, wrote a letter to Governor Justice because we are scared about how the Division of Corrections and Rehabilitation (DCR) is failing to address COVID in the jail. I have attached that letter, as well as a true and accurate transcription of that letter, to this declaration.
3. When I came in to booking I was kept with six other people in one cell for two days. We were then placed into a quarantine pod, where we were kept for fourteen days. On the quarantine pod, three of us were locked in a two-person cell for twenty-three hours a day for fourteen days. I was not tested for COVID when I arrived at the jail, during the quarantine, or when I was let out of quarantine. During my period of quarantine, other people were brought into and let out of the quarantine pod on different timeframes.
4. Since I was let out of quarantine, I have been housed on a regular area of the jail.
5. While here, people on in my section have tested positive for COVID.

6. There is no separate area of the jail for people who test positive. Instead, when a person tests positive, DCR returns them to their cell with cellmates and pod-mates who have not been tested and are not symptomatic. The person who tests positive is locked in their cell twenty-three hours per day together with their cellmate, regardless of the cellmate's COVID status. People are let out of lockdown after about ten days. No one is tested before they are let out of their cell and there is no testing of the cellmate or others on the pod. People are often not even let out of their cells for one hour per day; I know of one woman on lock down who was only let out three times over the ten-day period, and otherwise was locked down twenty-four hours/day.

7. One person who recently had colon cancer return for the third time and is immunocompromised was locked in a cell with a person who tested positive for COVID, although the person with cancer did not have COVID. This exposed her to COVID, even though she was at high risk for severe disease or death.

8. I have witnessed instances where people have gotten sick with COVID and passed it to other people because they are returned to their cell and pod.

9. The only treatment that I've witnessed people getting who test positive for COVID is Gatorade. There is no other treatment offered.

10. DCR does not test people for COVID until they have already have been sick for several days. In order to be tested, we have to ask the counselors for a test, often repeatedly for several days before a test is provided. By the time people are tested for COVID they have already exposed many other people.

11. One nurse told me that she got in trouble for conducting too much COVID testing.

12. Some people who are sick do not ask for testing because they are aware that asking for testing will not actually lead to them getting a test in time to actually protect anyone, and because they are afraid of getting locked in their cell for weeks.

13. I have been exposed to COVID multiple times. I do not know whether I have had it because they do not conduct testing.

14. People are also put at risk because the Correctional Officers and medical staff wear the same clothing without changing their personal protective equipment when they travel from pods with active COVID cases to pods that have no active COVID cases. The correctional officers and medical staff also do not consistently wear masks while they walk around the facility.

15. We have asked for cleaning supplies such as bleach to keep us safe, but DCR does not provide it to us.

16. I declare under penalty of perjury that the foregoing is true and correct.

Executed this 21 th day of October, 2021.

  
Linda Cool #3631016

9-25-21

Dear Governor Jim Justice,

My name is Linda Faye Cool OID #3631016. I am currently housed at Central Regional Jail in Sutton, W.V., where COVID is running rampant right now.

We had an A side and B side here with 8 sections per side. I'm currently housed in section 3 on A side.

We currently have 9 inmates in our section with 1 inmate testing positive for COIVD. She had been sick for 3 days before they would do anything for her or even test her, because the nurses got in trouble for testing too many inmates apparently. Sir, I strongly feel even though we are inmates we are still human beings, animals are treated better these days. I have not been proven in a court of law to be innocent or guilty yet.

I am someone's mother, grandmother, daughter, aunt, cousin, sister just as all are. They would not want their loved one treated badly or unfairly or to have to live in these conditions.

They locked down this female who tested positive with her roommate who tested negative, and this roommate was recently told that her cancer had returned. So her immune system is compromised anyway. They are locked down together in a small cell where the chance of the roommate catching COVID I'm guessing doubles. I don't see how this helps anything or anyone from stopping this spread of COVID Sir.

Not to mention they are leaving the positive cases in the same section as the negative ones.

When you arrive at this facility they leave you in quarantine for 14 to 15 days.

They have a quarantine pod as we speak for females on A2.

I feel as though they are helping to expose us all to this. I feel something needs to be done to rectify this situation immediately. You are our last hope for something to be done. It seems we can't get anyone to hear our concerns.

Thank you for taking the time to read this letter in advance.

*Sara Spouse*  
[Illegible]  
#3646186

Carey Shafer  
#3641626

Mackenzi Johnson  
36571012

Tammy Eagle  
3657466

Respectfully,  
Linda F. Cool  
#3631016

Thillipe Jenkins 3665453

Brandy Carpenter  
3637750